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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
In re: : Chapter 11  
: Case No.: 06-10354 (BRL)  
DANA CORPORATION, *et al.*, :  
: (Jointly Administered)  
Debtors. :  
-----X

**APPELLANT'S DESIGNATION OF ITEMS TO BE INCLUDED  
IN THE RECORD ON APPEAL AND STATEMENT OF ISSUES**

Pursuant to Rule 8006 of the Federal Rules of Bankruptcy Procedure, Emhart Teknologies, Inc. (“Emhart”), by its undersigned counsel, hereby submits the following issues to be presented on appeal, and designates the following items to be included in the record on appeal from the Order Valuing Reclamation Claims Filed in the Debtors’ Chapter 11 Cases at Zero, entered by the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) on April 25, 2007 [Docket No. 5175]:

**STATEMENT OF ISSUES ON APPEAL**

Emhart states the following issues on appeal:

1. Whether the Bankruptcy Court erred, as a matter of law, in reconciling and establishing the value of Emhart's reclamation claim under 11 U.S.C. § 546(c) as \$0.00.
2. Whether the bankruptcy court erred, as a matter of law, in holding that the Debtors' post-petition pledge of their assets to their post-petition DIP lenders, and the satisfaction of the Debtors' pre-petition secured debt with a portion of the proceeds of the DIP loan, constituted a disposition of the goods that were subject to reclamation claims so as to entirely defeated Emhart's reclamation claim.
3. Whether the Bankruptcy Court erred, as a matter of law, in finding that the Debtors' post-petition DIP Lenders qualified as buyers in the ordinary course or other good faith purchasers pursuant to Section 2-702 of the Uniform Commercial Code, without inquiring whether the DIP Lenders relied on the goods subject to reclamation claims, or whether the goods subject to reclamation claims were, in fact, necessary to satisfy the Debtors' secured debt.

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**DESIGNATION OF ITEMS TO BE INCLUDED IN RECORD ON APPEAL**

Emhart hereby designates the following items to be included in the record on appeal:

TAB NO.	FILE DATE	PAPER NO.	PLEADING
1	3/3/06	22	Motion of Debtors and Debtors in Possession for an Order (A) Establishing Procedures for Resolving Reclamation Claims Asserted Against the Debtors and (B) Granting Certain Related Relief
2	3/3/06	30	Motion of Debtors for (I) an Interim Order Scheduling a Final Hearing and (II) Interim and Final Orders Authorizing Them to (A) Obtain Postpetition Financing; (B) Utilize Cash Collateral; and (C) Granting Adequate Protection to Prepetition Secured Parties, with Exhibits A-C
3	3/3/06	55	Interim Order (I) Authorizing Debtors to (A) Obtain Postpetition Secured Financing and (B) Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties and (III) Scheduling a Final Hearing
4	3/6/06	74	Notice of Final Hearing on Motion of Debtors for (I) an Interim Order Scheduling a Final Hearing (II) Interim and Final Orders Authorizing Them to (A) Obtain Postpetition Financing (B) Utilize Cash Collateral; and (C) Granting Adequate Protection to Prepetition Secured Parties
5	3/6/06	82	Order (A) Establishing Procedures for Resolving Reclamation Claims Asserted Against the Debtors and (B) Granting Certain Related Relief
6	3/7/06	100	Affidavit of Service of Docket Paper Nos. 22 and 30
7	3/29/06	721	Final Order (I) Authorizing Debtors to (A) Obtain Postpetition Secured Financing and (B) Utilize Cash Collateral and (II) Granting Adequate Protection to Prepetition Secured Parties
8	3/29/06	724	Amended Final Order (A) Establishing Procedures for Resolving Reclamation Claims Asserted Against the Debtors and (B) Granting Certain Related Relief
9	6/30/06	1650	Debtors' Notice of Reconciled Reclamation Claims

TAB NO.	FILE DATE	PAPER NO.	PLEADING
10	7/12/06	1808	Notice of Supplemental Service of Debtors' Notice of Reconciled Reclamation Claims
11	7/28/06	2398	Objection of Emhart Technologies, Inc. to Debtors' Notice of Reconciled Reclamation Claims
12	9/20/06	3612	Motion of Debtors for an Order (I) Bifurcating Consideration of Issues Relating to Reclamation Claims; (II) Establishing a Briefing Schedule for Consideration of Certain Common Issues; and (III) Granting Certain Related Relief, together with the Notice of Hearing thereto
13	10/3/06	3715	Daido Metal Bellefontaine's Limited Objection to Debtor's Notice of Hearing on Motion for an Order (I) Bifurcating Consideration of Issues Relating to Reclamation Claims; (II) Establishing a Briefing Schedule for Consideration of Certain Common Issues; and (III) Granting Certain Related Relief
14	10/3/06	3724	Joinder of Emhart Technologies, Inc. to Daido Metal Bellefontaine's Limited Objection to Debtors' Notice of Hearing Motion for an Order (I) Bifurcating Consideration of Issues Relating to Reclamation Claims; (II) Establishing a Briefing Schedule for Consideration of Certain Common Issues; and (III) Granting Certain Related Relief
15	10/13/06	3865	Order (I) Bifurcating Consideration of Issues Relating to Reclamation Claims; (II) Establishing a Briefing Schedule for Consideration of Certain Common Issues; and (III) Granting Certain Related Relief; with Prior Lien Defense
16	10/19/06	3929	Transcript of Hearing Held on October 11, 2006
17	10/23/06	3939	Initial Brief of Debtors and Debtors in Possession In Support of Prior Lien Defense to Reclamation Claims
18	11/14/06	4070	Affidavit of Service of First Request for Production of Documents to Debtor by Emhart Technologies, Inc.
19	12/1/06	4236	Debtors' Objection to Discovery Requests, with Exhibits A-Q
20	12/15/06	4369	Limited Reply of Emhart Technologies, Inc. to Responses and Objections of Debtors to Emhart Technologies, Inc.'s First Request for Production of Documents

TAB NO.	FILE DATE	PAPER NO.	PLEADING
21	12/15/06	4372	Affidavit of Service of Docket Paper No. 4369
22	1/19/06	4566	Order Relating To Discovery Objections and Schedule with Respect to the Hearing on the Prior Lien Defense To Reclamation Claims
23	1/26/07	4640	Responsive Brief of Emhart Technologies, Inc. to Debtors' Initial Brief in Support of Prior Lien Defense to Reclamation Claims, with Exhibit 1
24	2/16/07	4766	Reply Brief of Debtors in Support of Prior Lien Defense to Reclamation Claims
25	3/1/07	4925	Transcript of Hearing Held on 2/28/07
26	4/19/07	5136	Written Opinion/Memorandum Decision Regarding Reclamation Claims Under Section 546(c) of the BAPCPA
27	4/26/07	5175	Order Valuing Reclamation Claims Filed in The Debtors' Chapter 11 Cases at Zero.

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Dated: New York, New York  
May 14, 2007

Respectfully submitted,

/s/ Mark T. Power  
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